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Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
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Note verbale dated 30 March 2001 from the Permanent Mission of Brazil to the United Nations addressed to the Department for Disarmament Affairs of the United Nations Secretariat, transmitting drafting proposals on the revised draft Programme of Action (A/CONF.192/PC/L.4/Rev.1)

The Permanent Mission of Brazil to the United Nations presents its compliments to the Secretariat of the United Nations (Department for Disarmament Affairs) and has the honour to request that the attached proposals of amendments to A/CONF.192/PC/L.4/Rev.1, presented by the Brazilian delegation (see annex), be circulated as an official document of the third session of the Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

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Annex

Proposals submitted by Brazil for document A/CONF.192/PC/L.4/Rev.1

Preamble

Para 9: Rephrase as follows:

"Reaffirming also the right of each State to import, produce and retain small arms and light weapons [at levels consistent with] **for** its legitimate self-defence and security needs."

Para 12: Rephrase as follows:

"[Recognizing] **Stressing** the necessity for **and importance of** cooperation and assistance to support and facilitate efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects".

Para 13: Rephrase as follows:

"Recognizing that the international community has an obligation to deal with this issue, and acknowledging that the challenge posed by the illicit trade in small arms and light weapons in all its aspects is multi-faceted and involves security, **crime prevention**, humanitarian and development dimensions."

Paragraph 20 (d): Rephrase as follows:

"Mobilizing the political will throughout the international community to prevent and combat illicit transfers and manufacturing of small arms and light weapons in all their aspects, **to cooperate towards these ends** and raise awareness of the character and seriousness of the interrelated problems associated with the illicit traffiicking in and manufacture of small arms and light weapons and the excessive and destabilizing accumulation and spread of these weapons."

SECTION II

Para 9: Rephrase as follows

"To assess applications for export authorizations according to strict national or regional [criteria] **norms and procedures** that cover all categories of small arms and light weapons."

Para 13: Delete or rephrase

Para 22. Rephrase as follows

"To make public **national laws and regulations and processes that impact on the prevention and reduction of the illicit trade in small arms and light weapons** [or] **and** submit to relevant regional and international organizations, **upon request and** in accordance with their national practices, information on, inter alia: (a) small arms and light weapons confiscated or destroyed within their jurisdiction; [(b) national laws and regulations and processes that impact on the prevention and reduction of the illicit trade in small arms and light weapons;] and [(c)] **(b)** any other information such as illicit trade routes and techniques that can contribute to the eradication of the illicit trade in small arms and light weapons."

Para 23. Rephrase as follows:

"To encourage States to undertake, **with the assistance, whenever possible, of non-governmental organizations,** public awareness programmes to reduce the demand for small arms and light weapons."

Para 29. Rephrase as follows:

"To prevent and remove, **taking into account the characteristics, scope and magnitude of the problem in each region,** avoidable inconsistencies or incoherence between various measures and procedures at the regional, subregional and global levels which could undermine the overall effectiveness of preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects."

Para 30. Rephrase as follows:

"To develop [appropriate] **adequate** measures to enhance transparency with respect to small arms and light weapons transfers, [as a confidence-building measure and] with a view to combating their illicit trade **and, when appropriate, as a confidence-building measure.**"

Para 32: Move to Section IV, Follow-up

Para 35: Rephrase as follows:

"To develop international arrangements and a legally binding instrument to enable the timely and reliable tracing of lines of **illegal** supply by relevant authorities."

Para 38. Rephrase as follows

"To encourage the relevant international and regional organizations and States to facilitate cooperation with civil society, including non-governmental organizations, in activities related to small arms and light weapons, in view of the important role that civil society plays in efforts to **mobilize public opinion,** raise awareness of and address, **in assistance to States,** the problems associated with such weapons.

SECTION III

Para 1: Rephrase as follows:

"We, the States participating in the Conference, recognize that the responsibility for solving the problems associated with the illicit trade in small arms and light weapons in all its aspects falls on all States, regardless of their role in the situation. We also recognize that this illicit trade cannot be prevented or reduced [by States alone] **if its combat is based on isolated action by States or regions.**"

Para 10. Rephrase as follows:

"International cooperation to examine technologies, which are both affordable and accessible to all producers, and which would improve the tracing and detection of small arms and light weapons, **as well as measures to facilitate the transfer of such technologies,** should be encouraged.

Para 17. Rephrase as follows:

"With respect to such regions and subregions, greater efforts should be made to address the security aspects of development. **This approach should not hamper existing and future social and developmental activities and should fully respect the rights of the States concerned to establish priorities in their programmes.**"

Section IV

Brazil is flexible with respect to the format of the follow-up mechanism. However, we have strong preference for a format that would allow for a dynamic, universal and effectively *multilateral* follow-up to the July Conference. The structure of the mechanism suggested by L.4/Rev.1, based on the convening of large meetings every two years, may not be enough to allow for the dynamism our efforts require. Moreover, it could be burdensome and costly. We suggest that we build on the idea contained in the previous version of the draft programme of action regarding the establishment of an *ad hoc* mechanism.

Para.1: Rephrase as follows

"1. We, the States participating in the United Nations Conference [...] recommend to the General Assembly the following agreed steps to be undertaken for the effective follow-up of the Conference:

(a) to establish an *ad hoc* follow-up mechanism subsidiary to the UN General Assembly;

(b) to convene regional or subregional follow-up meetings and conferences, including technical seminars, with the assistance of, *inter alia*, the United Nations and other relevant international and regional organizations;

(c) to convene a Review Conference no later than 2006 to review progress made in the implementation of the Programme of Action."

Include a para. 2bis, as follows:

"The ad-hoc mechanism will be in charge of examining ways and means to further strengthen and develop measures contained in the Programme of Action, including negotiation of an international instrument to identify and trace the illegal lines of supply of small arms and light weapons."

Transform para. 2 into para.3, and rephrase it as follows:

"3. Finally, we, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects:

(a) [Encourage the] **Welcome further initiatives by** United Nations and other appropriate international and regional organizations [to undertake initiatives] to promote the implementation of the Programme of Action;

(b) Strongly encourage all initiatives to mobilize resources and expertise to promote the implementation of the Programme of Action and to provide assistance to States in their implementation of the Programme of Action;

(c) Request the Secretary-General of the United Nations, through the Departament of Disarmament Affairs, to collate and circulate data and information provided by States on a voluntary basis on small arms and light weapons, and to distribute in the *ad hoc* follow-up mechanism the national reports submitted by States on implementation of the Programme of Action. [similar phrasing to para. 32 of Section II of L.4/Rev.1]

(d) Further encourage non-governmental organizations and civil society to be engaged as partners, as appropriate, in all aspects of international, regional, subregional and national efforts to implement this Programme of Action."